

Wetlands Bureau Decision Report

Decisions Taken
04/11/2005 to 04/17/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2004-02759 MEREDITH, TOWN OF MEREDITH Hawkins Brook & Wetland

Requested Action:

Redevelop property adjacent to the Town of Meredith Prime Wetland # 22, Hawkins Brook. The proposed project will impact 147,000 square feet of upland buffer for the construction of a new Community Center, associated parking and drainage and a sidewalk proposed to connect to the existing Prescott Park.

Conservation Commission/Staff Comments:

Please see the findings for this permit.

Inspection Date: 01/13/2005 by Jocelyn S Degler

APPROVE PERMIT:

Redevelop property adjacent to the Town of Meredith Prime Wetland # 22, Hawkins Brook. The proposed project will impact 147,000 square feet of upland buffer for the construction of a new Community Center, associated parking and drainage and a sidewalk proposed to connect to the existing Prescott Park.

With Conditions:

1. All work shall be in accordance with the following plans by McFarland Johnson dated October 27, 2004:
 - a) The Existing Conditions, (Sheets C1.0 and C1.1), Grading Erosion and Sedimentation Plans (Sheets 3.0 and 3.1), and Drainage Details (Sheet 4.0) revised through February 20, 2005, as received by the Department on March 21, 2005;
 - b) Site Layout Plans (Sheets C2.0 and 2.1), revised through April 13, 2005, as received April 13, 2005;
 - b) The Erosion Control Notes and Details (Sheets C5.0 and C6.0), as received by the Department on March 21, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Prior to the commencement of construction the permittee shall install orange construction fencing to define the natural upland buffer zone around the designated prime wetlands. This fencing shall be remain until construction is complete and the area is fully stabilized.
7. There shall be no removal of the existing vegetation within the buffer area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. The deed for Meredith Tax Map U10, lot 35, shall include the conditions of this permit.
9. Work on the sidewalk shall be done during low flow.
10. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting

and pinning on slopes steeper than 3:1.

14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. Silt fencing must be removed once the area is stabilized.

17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

18. The applicant shall limit the use of fertilizer on the site to phosphorus free fertilizer to protect the water quality of the prime wetland system.

19. This approval in no way implies approval of the proposed future impacts to phase 2 of this project as illustrated on the approved plans.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has provided drainage structures with deep sumps and fittings to separate contaminants prior to entering the prime wetlands.

5. The proposed project will decrease the amount of impervious areas currently on this lot.

6. The applicant has committed to using non-phosphorus fertilizer per their letter dated March 9, 2005.

7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

8. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.

9. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will preserve the ability of the wetlands to retain floodwaters and silt.

10. The approved plans and conditions of the permit provide for a buffer around the Prime Wetland area.

11. The project as approved and constructed in adherence to the approved construction sequence, erosion controls, water treatment system and maintenance program prevents impacts from any increased runoff created by the development.

12. Based on the inspection conducted on January 13, 2005, by DES Wetland Staff, the project involves minor environmental impacts.

13. The Meredith Conservation Commission recommends approval of the proposed application in accordance with their letter dated November 1, 2005.

14. The Meredith Planning Board recommends approval of the proposed application in accordance with their letter dated March 22, 2005.

15. The Meredith Board of Selectmen supports and encourages approval of the proposed project in accordance with their letter dated April 12, 2005.

16. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

17. The Department of Environmental Services waives the 28 day waiting period for this permit described in Wt 704.01, as we have received letters from the municipal conservation commission, planning board, municipal executive body, applicant, and other interested parties who have entered written testimony or attended the public hearing stating they recommend approval of the permit.

2005-00176 DERRY, TOWN OF
DERRY Unnamed Wetland

Requested Action:

Dredge and fill 325 square feet of palustrine emergent and scrub-shrub wetlands in and adjacent to Prime Wetland #F13 to install approximately 650 linear feet of municipal sewer line off Rockingham Road, Derry.

Conservation Commission/Staff Comments:

NHF&G requested an increased buffer to protect the perennial stream associated with documented presence of species of concern. The Conservation Commission stated the long term benefits far outweigh the proposed disturbance.

Inspection Date: 11/30/2004 by Christian P Williams

APPROVE PERMIT:

Dredge and fill 325 square feet of palustrine emergent and scrub-shrub wetlands in and adjacent to Prime Wetland #F13 to install approximately 650 linear feet of municipal sewer line off Rockingham Road, Derry.

With Conditions:

1. All work shall be in accordance with project site plans by Underwood Engineer dated February, 2005, as received by the Department on March 14, 2005 and erosion control details and construction sequence received by the Department on January 26, 2005.
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. The applicant shall notify in writing NHDES Wetlands Bureau and the Derry Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
4. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
5. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
6. Orange construction fencing shall be placed at the limits of construction; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
8. A professional engineer shall inspect the project to insure compliance with approved plans and permit conditions.
9. Work shall be done during low or non flow.
10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. The blasting of ledge will be conducted in a manner to limit rock deposition in areas of jurisdiction.
12. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
13. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
14. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with

the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The project alleviates the potential for impacts associated with failed septic systems to jurisdictional wetlands through the conversion of individual septic systems to municipal sewer.
7. The approved plans and conditions of the permit provide for a minimum 25 foot buffer around the Prime Wetland area.
8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. Based on the inspection conducted on November 30, 2004 by DES Staff, the project involves minor environmental impacts.
10. Based on findings #6, 7 and 8 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.
11. A public hearing was held at the Department on April 15, 2005.
12. The Town of Derry submitted to the file, on April 15, 2005, a letter requesting the Department waive Administrative Rule Wt 704.01, which places a 28-day hold on the Departments issuance of the Permit.
13. The taped minutes of the hearing documented no opposition to the proposed project and
14. There was no written testimony submitted to the file in opposition of the project.
15. The Department therefore waives the 28-day hold for issuance of the Permit.

Any party may apply for reconsideration with respect to any matter determined in this action within 28 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

MINOR IMPACT PROJECT

2003-02854 BEEDE ROAD REALTY LLC
EPPING Unnamed Wetland

Requested Action:

Approve permit amendment to fill approximately 4,485 square feet of forested and wet meadow wetlands and the bed and banks of an unnamed perennial stream to construct a roadway to provide access to a 41-lot residential subdivision on approximately 115.5 acres. Restore approximately 78 square feet (22 linear feet) of perennial stream by removing three 18-inch diameter culverts and associated fill, and regrading and stabilizing the bed and banks. Preserve approximately 29.52 acres of wetlands and contiguous upland buffer on-site.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated April 15, 2004 the Epping Conservation Commission (ConCom) stated that it would prefer that a conservation easement be placed on the open space parcel (Lot 41) before it is donated to the Town of Epping. In a letter to the DES Wetlands Bureau dated January 22, 2004 the Epping ConCom raised a number of issues regarding the proposed conservation easement areas, including modification of the easement area boundaries and clarification of easement area ownership and use limitations/restrictions. Due to the proximity of the project to the Lamprey River, the ConCom also raised concerns about stormwater management both during and after construction.

In a letter to the DES Wetlands Bureau dated January 4, 2004 the Epping ConCom requested that the Bureau suspend action on the application to allow the ConCom to further investigate the application, per RSA 482-A:11.

Inspection Date: 01/16/2004 by Christian P Williams

APPROVE AMENDMENT:

Approve permit amendment to fill approximately 4,485 square feet of forested and wet meadow wetlands and the bed and banks of an unnamed perennial stream to construct a roadway to provide access to a 41-lot residential subdivision on approximately 115.5 acres. Restore approximately 78 square feet (22 linear feet) of perennial stream by removing three 18-inch diameter culverts and associated fill, and regrading and stabilizing the bed and banks. Preserve approximately 29.52 acres of wetlands and contiguous upland buffer on-site.

With Conditions:

1. All work shall be in accordance with the following plans by Jones and Beach Engineers dated January 20, 2005:
 - a) The Subdivision Plan (Sheets A2-A4) and Easement Plan (Sheets A5-A7) revised March 28, 2005, as received by the Department on April 11, 2005;
 - b) The Existing Conditions Plan (Sheets C1-C4) and Topography and Soils Plan (Sheets C5-C6) revised through March 28, 2005 and received by the Department on April 11, 2005;
 - c) The Plans and Profiles (Sheets P1-P5) and the Erosion & Sediment Control Details (Sheets D1, D2, and E1) revised through March 23, 2005, as received by the Department on April 11, 2005;
 - d) The Construction Sequence Narrative by Thibeault Corporation and box culvert detail by Michie Corporation dated March 17, 2005, as received by the Department March 18, 2005.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Epping Conservation Commission of the date project construction is proposed to begin.
10. Work shall be conducted during low flow conditions.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work areas, and shall remain until suspended particles have settled and the water at the work areas has returned to normal clarity.
14. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
24. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
25. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
26. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

Stream Restoration:

27. This permit is contingent upon the restoration/stabilization of approximately 78 square feet (22 linear feet) of perennial stream by removing three 18-inch diameter culverts and associated fill, and regrading and stabilizing the bed and banks, in accordance with the plans by Beals Engineering titled Stream Stabilization Details depicted on the Subdivision Site Plan - C3 (Sheet 11 of 20) dated July 25, 2003 and revised April 29, 2004, as received by the Department on May 5, 2004, and the Stream Stabilization Procedures submitted in support of the Standard Dredge and Fill Application, as received by the Department on December 29, 2003.
28. The schedule for restoration of the perennial stream shall coincide with site construction unless otherwise authorized by the NHDES Wetlands Bureau.
29. A post-restoration report documenting the status of the completed project with photographs shall be submitted to the NHDES Wetlands Bureau within 60 days of the completion of restoration activities.

With Findings:

DES Wetlands Bureau reaffirms findings 1-13 of the original findings of approval dated May 20, 2004 and makes the additional findings:

14. DES Wetlands has permitted the closed bottom box culvert as the original approval was unsafe for construction purposes.
15. The applicant has further reduced the impacts to wetlands.

2004-02636 CEFALO, STEPHEN
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 3056 square feet of palustrine forested wetland including installation of two culverts for access to a proposed single family residence.

Conservation Commission/Staff Comments:

Please see the findings for this project.

APPROVE PERMIT:

Dredge and fill 3056 square feet of palustrine forested wetland including installation of two culverts for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Bollinger Associates dated August 2003 and revised through March 26, 2005, as received by the Department on March 30, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).be properly rip rapped. (REWORD)

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has relocated the driveway to be at least 20 feet from the property line in accordance with Wt 304.04.
4. The applicant has attempted to receive permission from the abutter McCarthy, for impacts within 20 feet of the property line but the permission was not granted.
5. The applicant is utilizing the uplands to the greatest extent possible for access to the buildable site.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
8. The Moultonborough Conservation Commission has no objections to the proposed project.

2005-00522 ANCHORAGE RESTAURANT
SUNAPEE Lake Sunapee

Requested Action:

Install four pilings to support an existing 16 ft x 36 ft deck over public waters on 129 ft of frontage on Lake Sunapee.

APPROVE PERMIT:

Install four pilings to support an existing 16 ft x 36 ft deck over public waters on 129 ft of frontage on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 10, 2005, as received by the Department on March 21, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(m), installation of pilings.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2004-00203 STEVENS, H BROOKS
NEW CASTLE Piscataqua River

Requested Action:

Retain 3,100 sq. ft. of previously developed upland tidal buffer zone to construct a dwelling and patio.

APPROVE AFTER THE FACT:

Retain 3,100 sq. ft. of previously developed upland tidal buffer zone to construct a dwelling and patio.

With Conditions:

1. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.
2. The work shall be in accordance with plans by Ambit Engineering, Inc., as received by the Department on June 7, 2004.

With Findings:

1. This is a minimum impact project per Wt 303.04(b).
2. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.
3. This proposal meets the minimum shoreland protection standards within the NH Comprehensive Shoreland Protection Act as required under RSA 483-B and Env-Ws 1405.
4. This impact was the result of a misinterpretation of the rules contained in RSA 482-A.
5. DES waives Wt 304.04(a)(b), requiring projects to be setback 20 ft. from abutters property lines. Based on the DES inspection on October 19, 2004, the location of the dwelling does not represent a danger to waterfront activities, a navigation hazard, or interfere with abutter's access to or use of his property.

2004-03055 NH DEPT OF TRANSPORTATION
TILTON Unnamed Wetland

Requested Action:

Remove existing roadbed, add shoulders and turn lanes and relocate intersection of Clark Road and Town line Plaza impacting 796 sq. ft. of a forested wetland.

APPROVE PERMIT:

Remove existing roadbed, add shoulders and turn lanes and relocate intersection of Clark Road and Town line Plaza impacting 796 sq. ft. of a forested wetland. NHDOT project #13576.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 11/9/04 as received by the Department on December 20, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

2005-00499 PACILLO, ANTHONY
ALTON Lake Winnepesaukee

Requested Action:

Repair/Replace 10 ft x 33 ft pier supported by a 8 ft x 26 ft crib and a 10 ft 6 in x 39 ft pier supported by a 8 ft x 10 ft crib and 4 pilings connected by a 5 ft 2 in x 13 ft walkway in a "U-shaped" configuration, replace 3 fender pilings and a 14 ft x 28 ft 3 in open sided boathouse over the center slip on 102 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Repair/Replace 10 ft x 33 ft pier supported by a 8 ft x 26 ft crib and a 10 ft 6 in x 39 ft pier supported by a 8 ft x 10 ft crib and 4 pilings connected by a 5 ft 2 in x 13 ft walkway in a "U-shaped" configuration, replace 3 fender pilings and a 14 ft x 28 ft 3 in open sided boathouse over the center slip on 102 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 4, 2005, as received by the Department on March 15, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The boathouse shall be a single-story structure; ridgeline not to exceed 14 ft above normal high water.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
8. Existing crib rocks which have fallen shall be used for repair. Existing rocks not used shall be placed outside of NHDES jurisdiction.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is deemed a minimum impact project per Rule Wt 303.04(o).
2. The project meets the requirements of Rule Wt 402.22, Modification of Existing Structures.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2005-00527 GOODWIN, DONALD
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 4, Lot# 4 & 6

2005-00623 ROSE, CHARLES & JOYCE
WEBSTER Unnamed Stream

COMPLETE NOTIFICATION:
Webster Tax Map 7, Lot# 29

2005-00624 PLUM CREEK MAINE TIMBERLANDS LLC
ERROL Unnamed Stream

COMPLETE NOTIFICATION:
Errol Tax Map R15, Lot# 4

2005-00634 ERICKSON, DAVID & ELIZABETH
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 16, Lot# 82

2005-00635 ERICKSON, DAVID & ELIZABETH
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
Sutton Tax Map 1 & 2, Lot# 922,155 & 041,017

2005-00658 BERGERON, PAULINE & LEO PEPIN
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:

Berlin Tax Map 137, Lot# 135

2005-00659 WILLETT, MICHAEL & KATHLEEN
SWANZEY Unnamed Stream

COMPLETE NOTIFICATION:
East Swanzy Tax Map 30, Lot# 20

EXPEDITED MINIMUM

2005-00488 MOUNTAIN VIEW YACHT CLUB INC
GILFORD Lake Winnepesaukee

Requested Action:

Replace 275 linear ft of failing concrete bulkhead with steel sheet piling, remove piling supported footbridge and reconfigure to a free-span footbridge relocated further upstream on Gunstock River on 480 ft of frontage on Lake Winnepesaukee.

Inspection Date: 04/01/2005 by Chris T Brison

APPROVE PERMIT:

Replace 275 linear ft of failing concrete bulkhead with steel sheet piling, remove piling supported footbridge and reconfigure to a free-span footbridge relocated further upstream on Gunstock River on 480 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by H.B. Fleming dated September 30, 2004 as received by the Department on March 17, 2005.
2. This approval does not authorize any work modifications to the existing docking structures.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. This approval does not permit any dredge or fill in public waters.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(h), installation of a bridge.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00524 NORDAHL, OLAF
RINDGE Unnamed Wetland

Requested Action:

Fill 600 square feet of forested wetland to install an 18-inch by 20-foot culvert for access to a single family residential lot on 2.01 acres as part of a 2-lot subdivision of 5.01 acres.

Conservation Commission/Staff Comments:

The Rindge Conservation Commission signed the PBN.

APPROVE PERMIT:

Fill 600 square feet of forested wetland to install an 18-inch by 20-foot culvert for access to a single family residential lot on 2.01 acres as part of a 2-lot subdivision of 5.01 acres.

With Conditions:

1. All work shall be in accordance with the following plans:
 - a.) Plan by Carl J. Hagstrom dated February 4, 2005, as received by the Department on March 22, 2005;
 - b.) Lot Line Adjustment Plan (Sheet 1 of 1) dated November 2004 and revised December 27, 2004, as received by the Department on April 11, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00548 BEACH CLUB INC
RYE Atlantic Ocean

Requested Action:

Temporarily impact 326 square feet within the previously disturbed upland Tidal Buffer Zone to replace 3 above ground propane tanks with a single buried propane tank.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 326 square feet within the previously disturbed upland Tidal Buffer Zone to replace 3 above ground propane tanks with a single buried propane tank.

With Conditions:

1. All work shall be in accordance with the Tidal Buffer Zone Impact Plan by NH Soil Consultants, Inc. dated February 2005 as received by the Department on April 11, 2005.
2. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. There shall be no further alteration of jurisdictional areas for lot development or any other construction related activities.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Areas shall restored to their original grades and to a stable condition within three days of completion of construction.
8. Areas from which vegetation has been cleared from the site shall be replanted with like native species.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A letter dated December 12, 2004, from the Rye Fire Inspector stating approval for the project.
6. A letter dated March 22, 2005, from the Rye Conservation Commission expressing the Commissions support of the project while recommending that no chemicals are used and a natural seed mix be used when reseeding.

GOLD DREDGE

2005-00657 BORGSTROM, KEITH
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2005-00651 GAGNON, SCOTT
NEW LONDON Messer Pond

COMPLETE NOTIFICATION:

New London Tax Map 118, Lot# 13 Messer Pond

2005-00652 CLARK, ROBERT
MOULTONBOROUGH Lees Pond

COMPLETE NOTIFICATION:

Moultonboro Tax Map 80, Lot# 8A Lees's Pond

2005-00653 NEWCOMB, VINCENT
EAST WAKEFIELD Belleau Lake

COMPLETE NOTIFICATION:

East Wakefiekd Tax Map 70, Lot# 104 Belleau Lake

2005-00654 TREMBLAY, RENEE & RYAN LOFTUS
NORTHWOOD Northwood Lake

COMPLETE NOTIFICATION:

Northwood Tax Map 108, Lot# 96 Northwood Lake

2005-00655 MONZIONE, DARLA & PAUL
ALTON Lake Winnepesaukee

COMPLETE NOTIFICATION:

Alton Tax Map 58, Lot# 5 Lake Winnepesaukee

2005-00656 MATTE, CHRIS/KIM
MADBURY Middle Pea Porridge Pond

COMPLETE NOTIFICATION:

Madison Tax Map 38, Lot# 107 Middle Pea Porridge Pond

2005-00673 SHAW, JARED
ALTON Lake Winnepesaukee

COMPLETE NOTIFICATION:

Alton Tax map 79, Lot# 29 Lake Winnepesaukee

2005-00688 KENNY, JAMES
STEWARTSTOWN Big Diamond Pond

COMPLETE NOTIFICATION:

Stewartstown Tax Map U5, Lot# 34 Big Diamond Pond

2005-00690 **BEATON, REESE**
RUMNEY **Stinson Lake**

COMPLETE NOTIFICATION:
Rumney Tax Map 13, Lot# 15 Stinson Lake

ROADWAY MAINTENANCE NOTIF

2005-00674 **NH DEPT OF TRANSPORTATION**
ROCHESTER **Roadside Ditch**

PERMIT BY NOTIFICATION

2005-00496 **OUELLETTE, ROLAND**
STODDARD **Highland Lake**

Requested Action:
In-kind replacement of 3 existing seasonal docks (6'x20', 8'x20', and 6'x20')on Highland Lake with 215 linear feet of shoreline frontage.

Conservation Commission/Staff Comments:
The Stoddard Conservation Commission signed the PBN.

PBN IS COMPLETE:
In-kind replacement of 3 existing seasonal docks (6'x20', 8'x20', and 6'x20')on Highland Lake with 215 linear feet of shoreline frontage.

2005-00570 **SERVAD MANAGEMENT LLC**
WHITEFIELD **Unnamed Stream**

Requested Action:
Impact 100 square feet within the bed and banks of an intermittent stream to install a 24-inch by 25-foot culvert for access to a 414 acre lot for noncommercial, recreational use.

Conservation Commission/Staff Comments:
The Whitefield Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 100 square feet within the bed and banks of an intermittent stream to install a 24-inch by 25-foot culvert for access to a 414 acre lot for noncommercial, recreational use.

2005-00597 CHURCHILL, PHYLLIS
WINDHAM Corbetts Pond

Requested Action:

In-kind repair to 42 linear feet of an existing field stone retaining wall on Cobbetts Pond with 60 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Windham Conservation Commission signed the PBN.

PBN IS COMPLETE:

In-kind repair to 42 linear feet of an existing field stone retaining wall on Cobbetts Pond with 60 feet of shoreline frontage.

2005-00694 CLARK, JOHN & DONNA
WESTMORELAND Unnamed Stream

Requested Action:

Impact a total of 2,725 square feet within the bed and banks of 2 intermittent stream channels to include the installation of dual 24-inch by 30-foot culverts (impacting 1,825 square feet) and dual 30-inch by 30-foot culverts (impacting 900 square feet) for access to a single family residential lot on 11 acres.

Conservation Commission/Staff Comments:

The Westmoreland Conservation Commission signed the PBN and submitted comment.

In a letter dated March 29, 2005, the Westmoreland Conservation Commission supports the approval while recommended over sizing the culverts.

PBN IS COMPLETE:

Impact a total of 2,725 square feet within the bed and banks of 2 intermittent stream channels to include the installation of dual 24-inch by 30-foot culverts (impacting 1,825 square feet) and dual 30-inch by 30-foot culverts (impacting 900 square feet) for access to a single family residential lot on 11 acres.

HEARINGS

2004-02759 MEREDITH, TOWN OF
MEREDITH Hawkins Brook & Wetland

PRIME WETLANDS HEARING: 04/14/2005 09:00:00 AM

Redevelop property adjacent to the Town of Meredith Prime Wetland # 22, Hawkins Brook. The proposed project is for the construction of a new Community Center, associated parking and drainage and a sidewalk proposed to connect to the existing Prescott Park.

2005-00176 DERRY, TOWN OF
DERRY Unnamed Wetland

PRIME WETLANDS HEARING: 04/15/2005 10:00:00 AM

Dredge and fill 325 square feet of palustrine emergent and scrub-shrub wetlands in and adjacent to Prime Wetland #F13 to install approximately 650 linear feet of municipal sewer line off Rockingham Road, Derry.